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HW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,751	06/18/2001	Christopher David Hancock	06576.105034 (MS171312.1)	1738
45979	7590	11/29/2005	EXAMINER	
PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

\*

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/883,751	HANCOCK, CHRISTOPHER DAVID
	Examiner Joshua D. Campbell	Art Unit 2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 September 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 22-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This action is responsive to communications: RCE filed on 09/30/2005.
2. Claims 22-36 are pending in this case. Claims 22, 28, and 36 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 22-36 remain rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (hereinafter King, US Patent Number 6,161,114, issued on December 12, 2000) in view of Estrada et al. (hereinafter Estrada, US Patent Number 6,732,148, filed on December 28, 1999).

**Regarding independent claim 22,** King discloses a method in which media elements have existing specs which are displayed to web writers so they can locate a desired media (column 5, line 55-column 6, line 36 of King). King also discloses a method in which after the desired media element is created and when the writer selects to update the page, a unique identifier for the media is added into the web page (column 11, line 1-column 12, line 62 of King). King does not disclose a method in which when the writer does not locate the file the writer creates a spec and requests an artist make the new media element. However, Estrada discloses a method in which when a writer does not locate the desired media that the user may create a spec for the desired

element which is associated with the web page so that an artist can retrieve the spec and create the desired media based on the request (column 4, lines 5-40 and column 21, line 35-column 22, line 65 of Estrada). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of King with the methods of Estrada because it would have allowed for accelerated productivity in creation and maintenance of collaborative content.

**Regarding dependent claim 23**, King discloses a method in which a screen shot of the element is attached to the spec (column 10, lines 23-67 of King).

**Regarding dependent claim 24**, King discloses a method in which the web document editing can continue once the unique identifier is inserted (column 43, line 17-column 45, line 28 of King).

**Regarding dependent claim 25**, King discloses a method in which a spec may be updated (column 43, lines 16-49 of King).

**Regarding dependent claim 26**, King does not disclose a method in which the artist and the writer are one in the same. However, Estrada discloses a method in which the writer and the artist can be one in the same (column 21, line 35-column 22, line 65 of Estrada). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of King with the methods of Estrada because it would have allowed for accelerated productivity in creation and maintenance of collaborative content.

**Regarding dependent claim 27**, King does not disclose a method in which a report of the unfulfilled spec is presented to the artist. However, Estrada discloses a

method in which a report (written account presented in detail) of the spec that isn't fulfilled is presented to the artist so the artist can complete the request (column 4, lines 5-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of King with the methods of Estrada because it would have allowed for accelerated productivity in creation and maintenance of collaborative content.

**Regarding independent claim 28 and dependent claims 29-34,** the claims incorporate substantially similar subject matter as claims 22-27. Thus, the claims are rejected along the same rationale as claims 22-27.

**Regarding dependent claim 35,** King does not disclose a method in which the writer is notified when the desired media is completed. However, Estrada discloses a method in which the writer is notified when the artist completes the desired media (column 4, lines 5-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of King with the methods of Estrada because it would have allowed for accelerated productivity in creation and maintenance of collaborative content.

**Regarding independent claim 36,** King discloses a method in which media elements have existing specs which are displayed to web writers so they can locate a desired media (column 5, line 55-column 6, line 36 of King). King also discloses a method in which after the desired media element is created and when the writer selects to update the page, a unique identifier for the media is added into the web page (column 11, line 1-column 12, line 62 of King). King does not disclose a method in which when

the writer does not locate the file the writer creates a spec and requests an artist make the new media element, that a report of the unfulfilled spec is presented to the artist, or that the writer is notified when the desired media is completed. However, Estrada discloses a method in which when a writer does not locate the desired media that the user may create a spec for the desired element which is associated with the web page so that an artist can retrieve the spec and create the desired media based on the request (column 4, lines 5-40 and column 21, line 35-column 22, line 65 of Estrada). Estrada discloses a method in which a report (written account presented in detail) of the spec that isn't fulfilled is presented to the artist so the artist can complete the request (column 4, lines 5-40). Estrada also discloses a method in which the writer is notified when the artist completes the desired media (column 4, lines 5-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of King with the methods of Estrada because it would have allowed for accelerated productivity in creation and maintenance of collaborative content.

### ***Response to Arguments***

5. Applicant's arguments filed 09/30/2005 have been fully considered but they are not persuasive.

Regarding applicant's arguments on pages 5 and 6, in reference to the limitations of claim 22, the examiner maintains that the rejection previously presented teaches all of the limitations in the claim as presented based on obviousness. The terms content

and/or content elements (defined as text, pictures, graphics and other thing in the cited section) as used in the cited section and further explained in column 7, line 17-49 of King correspond to the very broadly defined term “media element” in the claims. King also teaches in the cited section that content elements have a design description that a user can view to determine which content is wanted, and the design description may be changed accordingly (creating a new spec) to generate a different content elements, which is shown in further detail in column 7, lines 17-49 of King. These design descriptions correspond the very broadly defined term “spec” in the applicant’s claim. King discloses the use of HTML documents (web page) and documents containing different media elements separate from the content (column 6, lines 19-36 of King). In order for HTML documents to include content elements such as graphics and pictures they are simply referenced as the filename in a image reference tag, thus it is inherent that if an HTML file is to include an image the image itself does not explicitly exist in the HTML file, rather a file name is referenced in the HTML file, the file name by definition being a unique identifier. The examiner notes that the applicant is responsible for all of the teachings of King when considering how the reference relates to possible patentability of the applicant’s invention. The examiner’s citations simply exist for reference points to why the reference is being used.

Estrada discloses that a user generates a specification for a graphic to be used in a web page, and a graphic artist responds by created the graphic based on the specification which can be used by the web page (see previous rejection). The claim language states “... storing the created spec in association with the web page,” it does

not state storing the spec as a part of the web page, it does not state linking the web page to the spec, and it does not state storing the web page and the spec on the same recording medium or in the same folder. The phrase "... storing in association" does not overcome the teachings of Estrada. Estrada discloses that a specification is generated so a graphic can be generated for a web page, thus the graphic, the specification, and the web page are all associated, the claimed limitations must be amended in order to provide any more meaning to the statement.

### ***Conclusion***

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
November 23, 2005



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER